

QUESTIONNAIRE FOR PROSPECTIVE TREATY TRADER (E-1)

EMPLOYEES of Treaty Traders: your employer must complete this questionnaire if one is not already on file in the Consular Section in Paris.

GENERAL INSTRUCTIONS

Potential treaty traders and their employees ("applicants"), applying for a Treaty Trader (E-1) visa, must first prove that they have a qualified U.S. business (the "Enterprise") under the terms of the treaty between the United States and the Applicant's country of nationality, and under the U.S. immigration law and regulations. Citations in this questionnaire refer to the provisions of the Code of Federal Regulations ("CFR").

Please type or print the answers requested on the questionnaire, inserting the dollar amounts, percentages, etc., in the spaces provided. If an answer requires more space than provided, please attach additional pages, indicating in the space provided "continued on page X " or "see tab." If a question does not apply, write "N/A" in the space provided for the answer. Place an "x" in all spaces provided in the questionnaire to indicate the documents being submitted, and label each document to identify which answer it is intended to support. Legible photocopies of documents are acceptable and need not be notarized or certified.

Careful preparation and organization of your questionnaire will help avoid delays in processing of your visa request. If an appointment is necessary, one will be scheduled and the Applicants notified of their appointment date, as requested in Part V of this questionnaire, for initial applications for visas.

I. NATURE OF THE ENTERPRISE

Name (or names, if doing business under more than one name) of the U.S. Business ("the Enterprise"):

Principal U.S. address of the Enterprise, including ZIP code (post office boxes alone are not acceptable):

Addresses of all other U.S. offices of the Enterprise:

Date(s) and place(s) of incorporation or other establishment of the Enterprise in the United States:

Briefly describe the trade or business conducted by the Enterprise:

II. PERSONNEL FOR THE ENTERPRISE

How many employees does the Enterprise currently have? _____

How many employees does the Enterprise currently have who are : _____

1. U.S. Citizens _____

2. Legal Permanent Residents of the U.S. _____

3. Nationals of the Treaty Country who are not legal permanent _____

residents of the United States

At the end of the next year of operation, to the best of your knowledge, how many employees will be:

1. U.S. Citizens _____

2. Legal Permanent Residents of the U.S. _____

3. Nationals of the Treaty Country who are not legal permanent residents of the United States _____

III. NATIONALITY OF THE ENTERPRISE

At least 50% of the Enterprise must be owned by an individual or individuals ("Treaty Country National or Nationals") or a corporation or corporations ("Treaty Country Firm or Firms") who have the nationality of a country with which the United States maintains a treaty of commerce and navigation. (22 CFR 41.51. N3.1)

(NOTE: Ownership by legal permanent residents of the United States will not be counted in determining whether the company is at least 50% owned by Treaty Country Nationals or Treaty Country Firms.)

****IMPORTANT:** If shareholders in a Treaty Firm are corporations, nationality of the shareholder corporations must be established by one of the methods below. Treaty Country Nationality must be traced to the shareholders of the ultimate parent corporations of the U.S. subsidiary enterprise. The "nationality" of a corporation for E visa purposes is defined as the nationality of at least 50% of its owners, regardless of where the corporation is registered or does business. (22 CFR 41.51. N3.1)**

A. OWNERSHIP OF THE ENTERPRISE

1. Please list the name, nationality, and percentage of ownership of each owner of the Enterprise:

<u>Name</u>	<u>Nationality</u>	<u>% of Ownership</u>
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2. If any owners of the Enterprise are U.S. legal permanent residents (sometimes called "green card holders"), what is the total percentage of ownership of the Enterprise by U.S. legal permanent residents : _____%

3. As evidence of the ownership and percentage of ownership of each owner, please attach copies of one or more of the following documents (place an "x" in the space provided to indicate which documents are being attached):

a) _____ Share (stock) certificates and documents indicating the total issued and currently outstanding shares (stock) of the Enterprise

b) _____ Partnership or joint venture agreement

c) _____ Other evidence of ownership

B. EVIDENCE OF NATIONALITY

As evidence of the nationality of the owners (Treaty Country Nationals or Firms ONLY), please attach the appropriate documents listed below. (Place an "x" in the space provided to indicate which documents are attached.)

1. If nationality of the Enterprise is being established through the nationality of Treaty Country Nationals, please provide:

_____ Copies of the first five pages of the passports of the owners who are Treaty Country Nationals.

OR

2. If ownership is by a Treaty Country Firm (a corporation which is at least 50% owned by Treaty Country Nationals), please attach one of the following:

a)_____ If the Treaty Country Firm is owned by fewer than five shareholders, copies of the share certificate and the first five pages of the passport of each shareholder of the Treaty Country Firm;

b)_____ If the Treaty Country Firm is not publicly traded, but there are more than five shareholders in the Treaty Country Firm, a list showing the names, nationalities, and percentages of ownership of the shareholders; or

c)_____ If the Treaty Country Firm is publicly traded on the principal stock exchange of a Treaty Country, enclose an example of recent published stock quotations.

OR

3. If proof of nationality is through a combination of Treaty Country Nationals and Treaty Country Firms, provide evidence for all as set forth in 1 and 2 above. Briefly describe the combination of nationals and Firms and the evidence attached to demonstrate the necessary 50% nationality of the Enterprise:

C. ADDITIONAL QUESTIONS ABOUT OWNERSHIP

1. If a corporation owns a majority interest in the Enterprise, please provide the following about that owner (for subsidiary Enterprises, give information on the ultimate parent of the Enterprise):

a) Name and address of the principal corporate owner of the Enterprise:

b) Estimated value in U.S. dollars of total assets of the principal corporate owner of the Enterprise: \$ _____

c) Date and place of incorporation or establishment of the principal corporate owner of the Enterprise:

d) Percentage of Enterprise owned by the principal corporate owner of the Enterprise : _____ %

e) General nature of business of the principal corporate owner of the Enterprise:

2. If an individual owns a majority interest in the Enterprise, please provide the following about that owner:

a) Name and permanent residential address of the individual owner:

b) Percentage of the Enterprise owner by the principal individual owner: _____%

3. Has the ownership of the Enterprise changed since its establishment as an Enterprise for E purposes? If so, how?

IV. TRADE TRANSACTED

There must be an actual exchange of goods, monies or services in the flow of international commerce for transactions to constitute trade within the meaning of U.S. immigration law as it relates to Treaty Traders visas (22 CFR 41.51, N4.1).

The international trade must be "substantial" in nature. Substantiality is determined by volume, monetary value, and frequency of exchanges, as well as by the income derived from the trade. (22 CFR 41.51, N4.1) The trade must be principally between the United States and the country of the Treaty Country Firms' (and the Applicants') nationality. This requirement can be met if 50% or more of the international trade of the U.S. operation of the Enterprise is between the United States and the Treaty Country. (22 CFR 41.51, N4.1)

A. NATURE OF THE TRADE

1. State generally the type of goods, monies, or services traded between the Enterprise and the Treaty Country :

2. The above goods, monies, or services account for what proportion of the goods, monies, or services traded in international commerce by the Enterprise? _____%

B. TRADE IN MERCHANDISE (ALL QUESTIONS REFER TO THE U.S OPERATION OF THE ENTERPRISE)

1. Imports to and Exports from the United States

a) What is the annual volume of the Enterprise's imports and exports of goods to and from

the Treaty Country?

b) What is the annual volume of the Enterprise's imports and exports of goods to and from all countries other than the Treaty Country?

c) What is the U.S dollar value of the Enterprise's annual imports and exports of goods to and from the Treaty Country : _____\$

d) What is the dollar value of the Enterprise's annual imports and exports of goods to and from all countries other than the Treaty Country? _____\$

In the following space, please define "annual volume of imports and exports of goods" as it is used in this questionnaire.

e) How many shipments of goods each year does the Enterprise receive from or forward to the Treaty Country:

f) How many shipments of goods each year does the Enterprise receive from or export to all countries other than the Treaty country : _____

g) How many shipments does the Enterprise make per year to the Treaty Country:

h) How many shipments does the Enterprise make per year to all countries other than the Treaty Country: _____

In the following space, please define a "shipment of goods" as it is used in this questionnaire

2. Sales

a) What is the Enterprise's annual volume of sales to Treaty Country customers ? (In answering this question, please define a "unit of goods," which you have used to compute the volume of sales and use this definition whenever necessary in preparing answers to this questionnaire.)

b) What is the Enterprise's annual gross income, in U.S dollars, from sales to customers in the Treaty Country? _____\$

c) What is the Enterprise' gross income, in U.S. dollars, from sales to U.S. customers?
_____ \$

d) What is the Enterprise's gross annual income, in U.S. dollars, from sales to customers who are NOT nationals of the U.S. or the Treaty Country?

3. Payment

Where is payment made and received for goods traded by the Enterprise between the U.S. and the Treaty country:

_____The United States:

_____The Treaty Country:

_____Other: (If payment is not received in the U.S. or the Treaty Country,
_____ please explain.)

C. TRADE IN SERVICES

1. How many clients does the Enterprise have who are:

a) Treaty Country nationals? _____

b) U.S. nationals? _____

c) Nationals of countries other than the Treaty Country or the U.S.? _____

. 2. What is the gross income, in U.S. dollars, received for service transactions between the Enterprise and:

- a) Treaty Country nationals? _____

- b) U.S. nationals? _____

- c) Nationals of countries other than the Treaty Country or the U.S.? _____

In the following space, please define a "transaction" as it is used in this questionnaire.

3. How many service transactions, which generated the gross income described in C2 above, involved:

- a) Treaty Country nationals? _____

- b) U.S. nationals or U.S. firms? _____

- c) Nationals or firms of countries other than the Treaty Country or the U.S.? _____

4. How many persons performing the services on behalf of the Enterprise are:

- a) Treaty Country nationals? _____

- b) U.S. nationals? _____

- c) Nationals of countries other than the Treaty Country or the U.S.? _____

5. Where is payment made and received for the services traded by the Enterprise between the U.S. and the Treaty Country?

_____ The United States:

_____ The Treaty Country:

_____ Other: (If payment is not received in the U.S. or the Treaty Country,
_____ please explain.)

D. SUPPORTING EVIDENCE FOR TREATY TRADERS

Evidence supporting a request for Treaty Trader status may vary according to the Enterprise's business objectives. Certain evidence is essential to support an applicant's claim to status.

In addition to the material previously requested, the following evidence has proven useful in supporting requests for Treaty Trader status.

Place an "X" in the space provided to indicate which documents are attached or place an "NP" in the space to indicate that the document is not being provided. If the document is not being provided, briefly explain why.

_____	If the Enterprise is a corporation or partnership, U.S. income tax returns for the Enterprise's most recent tax year (This document IS essential);
_____	If the Enterprise is a sole proprietorship, the most recent U.S. tax return for the business and the sole proprietor (This document IS essential);
_____	If the Enterprise is a corporation, the most recent Information Return of a 25% Foreign Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business (U.S. Internal Revenue Service Form 5472)
_____	The most recently prepared income statement prepared in the normal course of business describing the financial situation of the Enterprise;
_____	The most recently prepared annual report describing the business and financial operations of the corporation owning a majority interest in the Enterprise;
_____	Copies of recent invoices, warehouse receipts, bills of lading, shipping bills, accounts receivable and accounts payable ledgers, or client lists to support the Enterprise's claim to be engaged in international trade.
_____	Copies of recent U.S. Customs declarations and receipts or recent U.S. Customs reports filed or received by the Enterprise to support the Enterprise's claim to be engaged in international trade.
_____	Copies of recent customs declarations and receipts or customs reports filed by the Enterprise which were issued by the Treaty Country to support the Enterprise's claim to be engaged in substantial trade with the Treaty Country.
_____	Copies of current broker and/or other licenses necessary to conduct the business of importing or exporting goods or services to the U.S. and from the Treaty Country.

V. NOTIFICATION

To receive notification of the date and time for any necessary interview or any other information about my visa status, I request notification by (check one of both of the following):

_____	Telephone	_____
		(Paris number)
_____	Fax	_____
_____	Letter to	_____
		(name)

(address)

VI. DECLARATION

The information furnished in this questionnaire is true and correct to the best of my knowledge and belief as of the date given below. All photocopies of documents submitted with the Questionnaire for Prospective Treaty Trader/Investor are true and complete copies of the original documents, and all statements and information contained in the submitted documents are correct to the best of my knowledge and belief, as of the date given below.

Signature:
(Typed or Printed Name):
Title:
Date:
Telephone:
Fax:

THIS FORM MUST BE SIGNED BY AN APPROPRIATE OFFICIAL OF THE COMPANY APPLYING FOR TREATY TRADER STATUS, OR BY THE INDIVIDUAL INVESTOR.

AS WITH ANY VISA APPLICATION, A CONSULAR OFFICER HAS THE AUTHORITY TO REQUEST ADDITIONAL DOCUMENTATION IF NECESSARY.

PLEASE RETAIN A PHOTOCOPY OF THE COMPLETED QUESTIONNAIRE AND SUPPORTING DOCUMENTS FOR YOUR FUTURE REFERENCE.